

REMARKS

Claims 1-6, 8-15, 17-19, 21-29 and 31-40 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Species A – An endoscopic treatment system and method comprised of a first insertion instrument and a second insertion instrument (Claims 1, 4, 6, 8-15, 17-19, 21-29, 35 and 37-40); and

Species B – An endoscopic treatment system and method comprised of a first insertion instrument, a second insertion instrument and a third insertion instrument (Claims 2, 5, 31-34 and 36).

It is the Examiner's position that the inventions listed as Species A and B are distinct from each other.

In response to the Examiner's requirement for restriction, Applicants elect to prosecute the subject matter of Species A, Claims 1, 4, 6, 8-15, 17-19, 21-29, 35 and 37-40. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

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